

Patrick Lawrence

The Trump regime's new attack on the I.C.C.:

Another failure in the making.

It has been evident for some years now that the policy cliques in Washington have dedicated themselves to resisting, and halting altogether were this possible, the arrival of the 21st century. If we are looking for a defining feature of American policy these past decades, I nominate this—a refusal to face forward, to accept the new century's realities.

I have characterized the fundamental purpose of those framing and executing U.S. policy in this way since the attacks in New York and Washington on 11 September 2001, when America's global primacy suddenly shattered. Defiance, obstruction, intransigence, reaction: It has been all of these ever since. And one other thing: It has been desperation ever since, too. How could it be otherwise for a nation whose intent is to stop the turning of history's wheel?

Every war of aggression, every illegal intervention, every blockade and bombing campaign, every new set of sanctions and secondary sanctions against other nations or other nations' businesses or people makes this desperation plainer. I cannot think of a single major U.S. policy since 2001 that has gone well—unless one counts destruction as success.

And with the emergence of a new global order based on multipolarity and parity among nations, what I will call international public space has been the site of

Washington's most determined combat. The Trump regime—and has any U.S. administration since 2001 been more self-evidently desperate?—now turns this into a fully declared war. Marco Rubio made this boldly plain last week, when he announced Washington's intention to “systematically disable” the I.C.C.

Here is a little of what Trump's secretary of state and national security adviser had to say about the plan to cripple the Court:

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Using all the tools at our government's disposal, working beside every ally with whom we can make common cause, we will dismantle the I.C.C.—brick by brick, if necessary.

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This is not a new *démarche* on Washington's part. It is a radical escalation of a policy in place since the I.C.C. came into being 24 years ago. I cannot think of any action the United States has taken or planned since 2001 that so plainly and painfully makes clear its fear of an arriving new world order and its desperation to obliterate the global commons.

My expectation: Rubio's crude assertions will prove another case of the hollow bloviating one has come to expect of Trump and his adjutants. The extent to which this brick-by-brick talk comes to anything more will be the extent to which the reigning regime in Washington further isolates the United States in the community of nations.

The United States has never signed the Rome Statute, which 125 nations ratified in 1998 and which was formally established in July 2002. One month later the U.S. Congress passed the American Servicemembers Protection Act, the A.S.P.A.,

declaring U.S. military personnel immune from the Court's prosecution were they charged with crimes against international law. So the warfare began.

Washington has since coerced more than 100 nations to agree not to surrender Americans to the I.C.C.'s authority. Since President Trump signed Executive Order 14203 in February 2025, a month after reassuming office last year, 11 of the Court's judges and prosecutors are now under U.S. sanctions. These sorts of sanctions—frozen bank accounts, canceled credit cards, disrupted payment systems such as PayPal—are the going things now; the European Union imposes these measures regularly. The A.S.P.A. was passed to protect U.S. soldiers in Afghanistan from I.C.C. investigations; E.O. 14203 was intended to assert the immunity of Americans and Israelis a year and a few months into the Zionist terror state's genocide in Gaza and American support of it.

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Marco Rubio's outburst appears timed to coincide with a crucial vote at the United Nations, to take place 24 July, on whether Karim Khan, the I.C.C.'s chief prosecutor (and among those under U.S. sanctions) should be removed from office in consequence of allegations of sexual misconduct. An assistant to Khan, known only as "Sarah," made those allegations in May 2024. This was precisely when Khan asked the I.C.C. to issue arrest warrants, on charges of war crimes and crimes against humanity, for Bibi Netanyahu, Yoav Gallant, the Israeli PM's defense minister at the time. These allegations emerged publicly the following October.

Khan took a voluntary leave of absence while the Court investigated these charges, and it has been subterfuge ever since. A judicial panel appointed by the Assembly of States Parties, which is comprised of diplomatic representatives from I.C.C.

members, cleared Khan of all charges of misconduct last March. Since then the Assembly, after abruptly changing its constitutive procedures, has determined that it will vote on Khan's future at the Court nonetheless. American and Israeli fingerprints have been all over the Khan case since "Sarah" first leveled her charges (the details of which she refuses to specify).

A curious detail: The 24 July vote at the U.N. headquarters in New York is said to be based on new allegations of misconduct. Not only does Khan deny these, as he has others all along; "Sarah" denies them too.

Josep Borrell, who formerly served as the E.U.'s foreign minister, published [an explosive comment on these matters](#) in *Project Syndicate* last Friday under the headline, "The Subversion of the International Criminal Court." Extracts from Borrell's piece, which are worth quoting at some length:

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Some institutional failures unfold not through scandal but procedure, with acts of sabotage dressed up in the language of good-faith inquiry and accountability. By the time anyone notices what is happening, the damage has been done.

I fear that this is what we are witnessing in attacks against Karim Khan, the chief prosecutor for the International Criminal Court in The Hague. Recent developments seem to satisfy goals that the United States and Israel have spent months working toward.

.... Khan's enemies have managed to start a debate about his potential removal, with allegations of sexual misconduct serving as the tip of the spear. It is a classic case of an institution failing to subject an internal matter to the principles (namely, the rule of law) that it is supposed to uphold

globally. Although an internal judicial panel—the mechanism the Court itself created to weigh such matters—examined the allegations and found that they did not meet the threshold for proving misconduct, those pushing for Khan’s removal have not given up....

One need not believe in conspiracies to see the confluence of interests between US and Israeli leaders. The Trump administration and Netanyahu want the same thing: to ensure that no international court can touch soldiers, border agents, or its chosen allies, no matter how serious the allegations of war crimes and crimes against humanity. Both see the “Khan scandal” as the perfect occasion to defang the court. They do not need to destroy it from the outside if its own member states can hollow it out from within, ignoring a judicial finding to hold a political vote against the man who signed the warrants that most inconvenienced them.

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With Rubio’s inflammatory threat to destroy the Court, it seems the Trump regime is now committed to external as well as internal subversion. Borrell’s thought on this is congruent with mine: The campaign against the I.C.C. is fundamentally an act of resistance to the advance of the human cause in the 21st century:

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.... Nor did Rubio stop at announcing the administration’s intention to dismantle the ICC “brick by brick.” He also dressed up the effort as a civilizational crusade. Casting the court as an instrument of progressive activists, globalist elites, and governments hostile to the US, he announced a

diplomatic campaign to rally every ally that endorses the MAGA creed of national sovereignty against globalism.

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The Julian Assange case, the falsified rape allegations after the Hamas attacks in southern Israel on 7 October 2023, Karim Khan, lately in the United States, [the subversion of the Senate campaign of Graham Platner](#), a critic of Israel's genocide and America's complicity in it: It would be boring were it not so insidious how regularly the Americans and Israelis resort to sexually related accusations to destroy those they oppose. Nothing ever need be proven; heavy-handed allegations with no substance are usually sufficient to complete the operation. It is just as Josep Borrell has it: "By the time anyone notices what is happening, the damage has been done."

Karim Khan's fate hangs in the balance for the moment, and I share Borrell's apparent scepticism as to how the vote will turn out on 24 July. But whatever becomes of Khan's (admirable) career at the I.C.C., I do not think this escalated effort to destroy the Court will go well for the United States.

Secretary Rubio, as he announced the Trump regime's new line of attack, was busily making telephone calls to allies to recruit them to the cause. These reports reminded me of Bush II's efforts to pull other nations into his "coalition of the willing" as he prepared to invade Iraq in late 2002 and up to the start of the war in March 2003. It did not go well: With exceptions such as Britain, the coalition of the willing amounted to a coalition of the coerced. I see the same result again.

The European powers, to say nothing of non-Western nations strong enough to resist the Americans, are too committed to the Court to participate in the Trump regime's effort to detonate it. The net effect, whatever damage the United States

may do the Court—it has already done some over the years and will do more, certainly—the attack on the Court will prove a sabotage too far and will leave the Americans yet more isolated than they already are in the third decade of our century.

Trump and his underlings are stunningly incompetent—foolish, a crude vision of the world as it is, a miscalculation a day it often seems. The attack on the I.C.C. is another. But this is not to be marked down to Trump alone. This is post-2001 America—building nothing, dedicated to spoiling all that announces the world order to come.

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